

Waiver of Service of Summons

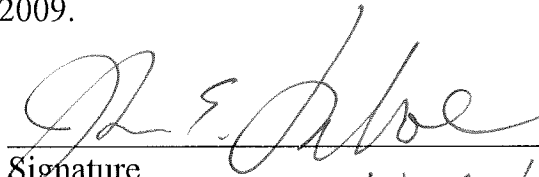
TO: Fred M. Valz, III and Erica L. Parsons, Attorneys for Plaintiff

I acknowledge receipt of your request that I waive service of summons in the action of *Colony Insurance Company v. Frank Velluci, et al.*, which is case number 1:09-CV-1479-JOF, in the United States District Court Northern District Court of Georgia - Atlanta Division. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of summons and an additional copy of the complaint in this lawsuit by not requiring that I or the entity on whose behalf I am acting be served with judicial process in the manner provided by Rule 4.

I understand that a judgment may be entered against me or the party on whose behalf I am acting if an answer or motion under Rule 12 is not served upon you within 60 days after June 15, 2009.

July 8, 2009
Date


Signature
Printed/Typed Name: John E. Labue
As Registered Agent
For Binnacle Contractors, Inc.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant who, after being notified of an action and asked to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or even its person or property. A party who waives service of summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must, within the time specified on the waiver, serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served. Defendant's time to answer begins to run when the request for waiver of service is received by defendant.